PIL 50/2004
BEFORE
HON'BLE THE CHIEF JUSTICE MR. A. K. GOEL
THE HON'BLE MRS. JUSTICE ANIMA HAZARIKA

Goel, CJ.

The matter was earlier being heard by Full Bench but on suggestions of learned counsel appearing for the parties we decide to proceed with the matter in Division Bench.

The proceedings in this PIL was initiated on the allegation of irregularities and corruption in distribution of foodgrains in the State of Arunachal Pradesh under various welfare scheme of the Government of India. Notice was issued and it was reported that investigation was beeing carried out. The progress of investigation was monitored from time to time.

Sri M. S. Chohan, IPS, Superintendent of Police, SIC (Vigilance), Itanagar, who was the head of the Special Investigation Team(SIT) has filed a consolidated status report of all the cases relating to the PIL in question. The same is taken on record.

Sri Chohan states that investigation has been completed and charge sheets have been filed in the concerned trial Court. In all, six cases have been registered. Charge-sheets have been filed in all the six cases. In one such case trial has started and in the remaining five cases trial has not yet started on the ground that there was no clear orders for transfer of the said connected cases to the Court where trial has commenced. We direct that the said cases will stand transferred for trial along with the main case where trial has already started.

It is stated that 57 accused have been charge-sheeted which include 24 public servants against whom necessary sanction has been granted. Apart from the said accused, there are 24 more accused who are public servants in whose case sanction has not been granted as they may have retired or posted elsewhere or otherwise not available. No prejudice will be caused if trial commences against 57 persons without prejudice to others being summons, if necessary.

Having regard to the circumstances of the case, we direct that trial may proceed against 57 accused who have already been charge-sheeted and at later stage if it is found necessary to proceed against any other person, the Court or the prosecuting agency may take such steps as may be necessary.

It has been pointed out that CBI was also investigating the very same matter. Since the investigation has already been completed by the State of Arunachal Pradesh, no purpose would be served by the CBI conducting further investigation, at this stage. In view of this development, we direct, the CBI to stop investigation and hand over all the documents to the State of Arunachal Pradesh.

The trial Court may proceed with the trial expeditiously and conclude the same as far as possible, within one year.

The prosecuting agency of the State of Arunachal Pradesh has been utilizing the services of the Public Prosecutor of the State of Assam. The said arrangement may continue and the State of Arunachal Pradesh will bear all necessary expenses for the same.

The District & Sessions Judge, North Lakhimpur, may arrange the Court business in such a way as may enable the Presiding Officer entrusted with the trial of this case to proceed with trial of the present case expeditiously.

It is made clear that since investigation is over, the head of the Special Investigation Team, Sri M. S. Chohan, can now be transferred but since his assistance may facilitate expeditious conclusion of trial, he may be continued at present place of posting till progress of proceedings necessitate such a course.

The writ petition and the connected Misc. Cases shall stand disposed of accordingly.